REMARKS

I. General

Claims 1-21 are pending, and claims 1-3 and 6-11 are rejected. Claims 4 and 5 are amended by this response, and claims 12-21 are added. The issues in the Office Action of May 21, 2007 are as follows:

- Claims 1-3 and 6-11 are rejected under 35 U.S.C. §102(e) as being unpatentable over US 7,111,208 (hereinafter, *Hoang*).

- Claims 4 and 5 are objected to for depending from rejected independent claims, but are otherwise indicated as allowable.

Applicant thanks the Examiner for the courtesy and professionalism shown thus far. Applicant hereby traverses the rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

II. Claim Amendments and New Claims

Claims 4 and 5 are amended to be in independent form, thus no new matter is added. This amendment is not in response to any art and does not narrow the scopes of the respective claims.

Claims 12-21 are added. Support may be found, at least, in the original dependent claims. Thus, no new matter is added. Claims 12-21 are allowable at least because they depend from claims 4 and 5, respectively, which are indicated as allowable.

III. Claim Objections

Claims 4 and 5 are objected to for depending from rejected independent claims, but are otherwise indicated as allowable. Applicant thanks the examiner for this indication. Applicant has amended claims 4 and 5 to be in independent form, thereby making the objection moot.

Dependent claims 2, 3, and 6-8 each depend either directly or indirectly from independent claim 1 and, thus, inherit all of the limitations of independent claim 1. Thus, *Hoang* does not teach all claim limitations of claims 2, 3, and 6-8. It is respectfully submitted that dependent claims 2, 3, and 6-8 are allowable at least because of their dependence from claim 1 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of claims 1-3, and 6-8.

Claim 9 recites, in part, "capturing the high bandwidth parallel datastream in a memory while the packet for the low bandwidth channel is being sent." As shown above with respect to claim 1, *Hoang* does not teach, "memory holding the high bandwidth parallel datastream while the packet for the low-bandwidth channel is being sent." For the same reasons articulated above with respect to claim 1, it is asserted that *Hoang* also does not teach the above-recited feature of claim 9.

Dependent claims 10 and 11 each depend either directly or indirectly from independent claim 9 and, thus, inherit all of the limitations of independent claim 9. Thus, *Hoang* does not teach all claim limitations of claims 10 and 11. It is respectfully submitted that dependent claims 10 and 11 are allowable at least because of their dependence from claim 9 for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. § 102 rejection of claims 10 and 11.

V.   Conclusion

In view of the above, applicant believes the pending application is in condition for allowance.

IV.   Claim Rejections

Claims 1-3 and 6-11 are rejected under 35 U.S.C. §102(e) as being unpatentable over *Hoang*. Applicant respectfully traverses the rejection.

Claim 1 recites, in part, "memory holding the high bandwidth parallel datastream while the packet for the low-bandwidth channel is being sent." *Hoang* does not teach this feature for at least two reasons.

First, *Hoang* does not appear to teach a high bandwidth parallel data stream and a low bandwidth channel. It is difficult to discern exactly which features of *Hoang* are relied upon to teach a high bandwidth parallel data stream and a low bandwidth channel, respectively. Nevertheless, it is noted that *Hoang* does not appear to teach an operating mode wherein test packets are sent during normal operation because *Hoang* only appears to discuss the testing operation. Thus, should the Office Action assert that data in the normal course teaches a high bandwidth parallel data stream and a test packet data stream teaches a low bandwidth channel, such analysis would be incorrect because *Hoang* does not appear to teach data in the normal course at all.

It is also noted that the Office Action cites Figure 3, elastic FIFO 401, transmit block 310, and the passage at column 4, lines 48-65 to teach this feature. It appears that this portion of *Hoang* teaches how an elastic FIFO can be used to compensate for frequency differences between clocks in the XAUI and PMD interfaces (in the asynchronous mode, of course). Specifically, this portion teaches that the elastic FIFO can insert or delete idle columns into the interpacket gaps (IPGs) between packets based on the distance between the FIFO's read and write pointers. Applicant respectfully assumes that the Office Action asserts that the extra packet for the low bandwidth channel (recited in claim 1) is taught by the idle packets and that test packets constitute the high bandwidth parallel data stream. Applicant respectfully asserts that this is incorrect because they are all part of the same data stream and channel. The idle packets are merely parts of the IPGs (i.e., the spaces between the packets, see col. 6, lines 15-26) and, thus, cannot be conceptually or physically separated into a separate stream or path than the test packets, themselves. Accordingly, it is believed that *Hoang* does not teach the above-recited feature of claim 1.

Applicant believes a fee of $250.00 for one (1) extra independent claim and one(1) dependent claim, is due with this response. If additional fees are due, please charge our Deposit Account No. 50-1078, under Order No. 10031168-1 from which the undersigned is authorized to draw.

Dated: August 7, 2007

Respectfully submitted,
Slawomir K. Ilnicki

By_____
Jody Bishop
Registration No.: 44,034
(214) 855-8007
(214) 855-8200 (Fax)
Attorney for Applicant

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 568268289 US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 7, 2007

Signature:_____
(Linda L. Gibson)